

purpose of ascertaining the existence of any criminal record. The fingerprints shall be obtained and submitted for such comparison by the chief of police or the State Police, as the case may be.

(g) An applicant for a handgun purchase permit who possesses a valid firearms purchaser identification card, or who has previously obtained a handgun purchase permit from the same licensing authority for which he or she was previously fingerprinted, and who provides an additional valid identification document of his or her identity, need not be fingerprinted again. In such cases, the chief of police or Superintendent shall otherwise fully investigate the applicant in accordance with this subchapter. The chief of police or Superintendent shall require the applicant to complete the New Jersey State Police, State Bureau of Identification (SBI) "Request For Criminal History Record Information For Non Criminal Justice Purpose" form, via the State of New Jersey website, and pay the appropriate fee established by N.J.A.C. 13:59. Applicants unable to provide an additional valid identification document shall submit to fingerprinting.

(h) Applicants for a permit to purchase a handgun may apply for more than one permit per application. The number of permits requested, and each permit number shall be entered in the spaces provided on the application.

(i) The chief of police or the Superintendent, as the case may be, shall either approve or disapprove the applications. Permits and cards shall be issued by the chief of police or the Superintendent to persons who are found to be qualified and who are not subject to any of the disabilities set forth by this subchapter.

Amended by R.2007 d.378, effective December 17, 2007.

See: 39 N.J.R. 2324(a), 39 N.J.R. 5349(a).

In (a), deleted ", in the case of an identification card, or STS 33A, in the case of a permit to purchase" following "STS-33"; in (d), deleted "(P.L. 1985, c. 69)" following the N.J.S.A. reference, and substituted "SP 66" for "STS-1"; and in (g), substituted "an additional valid identification document" for "other reasonable satisfactory proof", "Superintendent" for "superintendent" and "applicant" for "application", deleted "in the discretion of the chief of police or Superintendent," following "identity," and inserted the last two sentences.

Amended by R.2015 d.094, effective June 15, 2015.

See: 46 N.J.R. 2393(a), 47 N.J.R. 1328(a).

Section was "Applications for a firearms purchaser identification card and for a permit to purchase a handgun". In (a), in the first sentence, inserted "State of New Jersey" and "form of register", and substituted "S.T.S. 033" for "STS-33", and in the second sentence, inserted a comma following "stations"; in (d), substituted "S.P. 66," for "SP 66", and inserted "State of New Jersey", "purchaser", and "and form of register"; in (e), substituted "full-time" for "full time" twice, and inserted "State of New Jersey" and "and form of register"; in (f), substituted "Investigation" for "Identification"; and in (g), inserted "via the State of New Jersey website,".

13:54-1.5 Prerequisites for a permit to purchase handgun and form of register or a State of New Jersey firearms purchaser identification card

(a) A permit to purchase a handgun and form of register, or a State of New Jersey firearms purchaser identification card, shall not be issued:

1. To any person who has been convicted of any crime, or a disorderly persons offense involving an act of domestic violence as defined in section 3 of P.L. 1991, c. 261 (N.J.S.A. 2C:25-19), whether or not armed with or possessing a weapon at the time of such offense;

2. To any drug dependent person as defined in section 2 of P.L. 1970, c. 226 (N.J.S.A. 24:21-2), to any person who is confined for a mental disorder to a hospital, mental institution or sanitarium, or to any person who is presently a habitual drunkard;

3. To any person who suffers from a physical defect or disease which would make it unsafe for him or her to handle firearms, to any person who has ever been confined for a mental disorder, or to any alcoholic unless any of the foregoing persons produces a certificate of a medical doctor or psychiatrist licensed in New Jersey, or other satisfactory proof, that he or she is no longer suffering from that particular disability in such a manner that would interfere with or handicap him or her in the handling of firearms; to any person who knowingly falsifies any information on the application form for a handgun purchase permit or firearms purchaser identification card;

4. To any person under the age of 18 years for a State of New Jersey firearms purchaser identification card and to any person under the age of 21 years for a permit to purchase a handgun and form of register;

5. To any person where the issuance would not be in the interest of the public health, safety or welfare;

6. To any person who is subject to a restraining order issued pursuant to the Prevention of Domestic Violence Act of 1991, P.L. 1991, c. 261 (N.J.S.A. 2C:25-17 et seq.) prohibiting the person from possessing any firearm;

7. To any person who as a juvenile was an adjudicated delinquent for an offense which, if committed by an adult, would constitute a crime and the offense involved the unlawful use or possession of a weapon, explosive or destructive device or is enumerated in subsection d. of section 2 of P.L. 1997, c. 117 (N.J.S.A. 2C:43-7.2);

8. To any person whose firearm is seized pursuant to the Prevention of Domestic Violence Act of 1991, P.L. 1991, c. 261 (N.J.S.A. 2C:25-17 et seq.) and whose firearm has not been returned; or

9. To any person named in a consolidated Terrorist Watch List maintained by the Terrorist Screening Center administered by the Federal Bureau of Investigation.

Amended by R.2007 d.378, effective December 17, 2007.

See: 39 N.J.R. 2324(a), 39 N.J.R. 5349(a).

Deleted (a), recodified (b) as new (a), and rewrote (a)1 through (a)8.

Amended by R.2015 d.094, effective June 15, 2015.

See: 46 N.J.R. 2393(a), 47 N.J.R. 1328(a).

Section was "Prerequisites for a permit to purchase handgun or a firearms purchaser identification card". In the introductory paragraph of (a), substituted "handgun and form of register, or a State of New Jersey firearms" for "handgun, or a firearm", and deleted "to any person" following "issued"; in (a)4, inserted "State of New Jersey" and "and

form of register"; deleted "or" at the end of (a)7; substituted "; or" for a period at the end of (a)8; and added (a)9.

13:54-1.6 Exception for physical disability, mental disorder or alcoholism

A permit or identification card may be issued to a person who had previously suffered from a physical defect or disease, or mental disorder, or was an alcoholic if the applicant provides a certificate of a medical doctor or psychiatrist licensed in New Jersey, or other satisfactory proof that he or she is no longer suffering from that particular disability in such a manner that it would interfere with or handicap him or her in the handling of firearms.

13:54-1.7 Validity of a State of New Jersey firearms identification card and permit to purchase a handgun and form of register

(a) A State of New Jersey firearms purchaser identification card shall be valid until such time as the holder becomes subject to any of the disabilities set forth by law and this subchapter pertaining to an applicant's eligibility. Upon becoming subject to any of the disabilities set forth in this subchapter, the card shall be void and shall be returned to the Superintendent within five days. A State of New Jersey firearms purchaser identification card shall not be valid for more than 30 days after the information contained therein is no longer reflective of the issued person, that is, current address, name change, and/or sex change.

(b) A permit to purchase a handgun and form of register shall be valid for a period of 90 days from the date of issuance and may be renewed by the issuing authority for good cause for an additional 90 days. In no event shall a permit to purchase a handgun be valid for more than 180 days from the date the permit was originally issued.

Amended by R.2007 d.378, effective December 17, 2007.
See: 39 N.J.R. 2324(a), 39 N.J.R. 5349(a).

In (b), inserted "the" preceding "date of issuance", inserted "good cause for", deleted ", for a total of 180 consecutive days", and inserted the second sentence.

Amended by R.2015 d.094, effective June 15, 2015.
See: 46 N.J.R. 2393(a), 47 N.J.R. 1328(a).

Section was "Validity of firearms identification card and permit to purchase a handgun". Rewrote the section.

13:54-1.8 Written certification; delivery of permit to purchase

(a) Any person receiving, purchasing, or otherwise acquiring a firearm by exhibiting a firearms purchaser identification card shall sign a written certification on a State of New Jersey Certificate of Eligibility designated as form S.P. 634, which shall indicate that he or she presently complies with all of the requirements for obtaining an identification card and does not suffer from any of the disabilities set forth

in this subchapter. The certification shall contain his or her name, address, and State of New Jersey firearms purchaser identification number or dealer's license, and any other information deemed necessary by the Superintendent. If the seller is not a licensed dealer, the certification may be retained by the seller or it may be filed with the chief of police of the municipality in which he or she resides or, in all other cases, with the Superintendent. The seller shall retain the certification if he or she is a licensed dealer.

(b) A permit to purchase a handgun and form of register shall be issued to the applicant in quadruplicate. Prior to receiving a handgun from the seller, the purchaser must deliver all copies of the permit to the seller, who shall complete all of the information on the required form. Within five days of the transfer, the transferor shall forward the original copy to the Superintendent and the second copy to the chief of police of the municipality where the transferee resides; provided that in a municipality having no chief of police, the second copy shall be forwarded to the Superintendent. The third copy shall be returned to the transferee, and the fourth shall be kept by the transferor as a permanent record.

Amended by R.2007 d.378, effective December 17, 2007.
See: 39 N.J.R. 2324(a), 39 N.J.R. 5349(a).

In (a), inserted a comma following "NJSP 634", and inserted "or dealer's license, and any other information deemed necessary by the Superintendent", "may be retained by the seller or it", and "or she" following "he" in the third and fourth sentences.

Amended by R.2015 d.094, effective June 15, 2015.
See: 46 N.J.R. 2393(a), 47 N.J.R. 1328(a).

In (a), substituted "a State of New Jersey Certificate of Eligibility designated as form S.P. 634," for "form NJSP 634," in the first sentence, and "address, and State of New Jersey" for "address and" in the second sentence; in (b), inserted "and form of register" in the first sentence, and substituted "transfer" for "sale", "transferor" for "seller", and "transferee" for "purchaser" throughout.

13:54-1.9 Number of firearms that may be purchased

(a) Only one handgun may be purchased or delivered on each permit to purchase.

(b) There shall be no restriction on the number of rifles, shotguns and antique cannons that may be purchased or acquired, provided the receiver possesses a valid firearms purchaser identification card and otherwise complies with all of the provisions of this subchapter.

13:54-1.10 Revocation of a State of New Jersey firearms purchaser identification card

(a) A State of New Jersey firearms purchaser identification card may be revoked by the Superior Court of the county wherein the card was issued, after a hearing, and upon a finding that the holder no longer qualifies for the issuance of such a card.

New Rule, R.2015 d.094, effective June 15, 2015.
See: 46 N.J.R. 2393(a), 47 N.J.R. 1328(a).

SUBCHAPTER 2. HANDGUNS

13:54-2.1 Permit to carry a handgun

This subchapter prescribes requirements and procedures for the issuance, renewal and revocation of permits to carry handguns.

13:54-2.2 Permit required

No person, except as provided in N.J.S.A. 2C:39-6, shall carry, hold or possess a handgun without first having obtained a permit to carry the same in accordance with the provisions of this chapter.

Case Notes

N.J.S.A. 2C:39-2b creating presumption of absence of firearm carrying permit unless defendant presents contrary evidence held constitutional as not offensive to due process; presumption rational in view of statutory and regulatory requirement for possession of permit whenever handgun is carried. *McCandless v. Beyer*, 835 F.2d 58 (3rd Cir. 1987).

In prosecution for possession of a handgun without a permit, State did not have burden of offering evidence on the issue of whether defendant had a permit, pursuant to statutory presumption that an accused weapons offender does not possess a requisite license or permit unless he establishes the contrary. *State v. Ingram*, 98 N.J. 489, 488 A.2d 545 (1985).

13:54-2.3 Criteria for the issuance of a permit to carry a handgun

(a) No application for a permit to carry a handgun shall be approved by a chief police officer of a municipality, the Superintendent or the Superior Court, unless the applicant:

1. Is a person of good character who is not subject to any of the disabilities which would prevent him or her from obtaining a permit to purchase a handgun or a firearms purchaser identification card as provided in this chapter;
2. Has demonstrated that at the time of the application for the permit he or she is thoroughly familiar with the safe handling and use of handguns; and
3. Has demonstrated a justifiable need to carry a handgun.

Amended by R.2007 d.378, effective December 17, 2007.
See: 39 N.J.R. 2324(a), 39 N.J.R. 5349(a).

In the introductory paragraph of (a), substituted "chief police officer" for "police chief".

13:54-2.4 Application for a permit to carry a handgun

(a) Every person applying for a permit to carry a handgun shall furnish such information and particulars as set forth in the application form designated SP 642. The application shall be signed by the applicant under oath and shall be endorsed by three reputable persons who have known the applicant for

at least three years preceding the date of application, and who shall also certify thereon that the applicant is a person of good moral character and behavior. Applications can be obtained at police departments and State Police stations.

(b) Each applicant shall demonstrate a thorough familiarity with the safe handling and use of handguns by indicating in the space provided therefor on the application form, and on any sworn attachments thereto, any relevant information. Thorough familiarity with the safe handling and use of handguns shall be evidenced by:

1. Completion of a firearms training course substantially equivalent to the firearms training approved by the Police Training Commission as described by N.J.S.A. 2C:39-6j;
2. Submission of an applicant's most recent handgun qualification scores utilizing the handgun(s) he or she intends to carry as evidenced by test firings administered by a certified firearms instructor of a police academy, a certified firearms instructor of the National Rifle Association, or any other recognized certified firearms instructor; or
3. Passage of any test in this State's laws governing the use of force administered by a certified instructor of a police academy, a certified instructor of the National Rifle Association, or any other recognized certified instructor.

(c) The information in (b) above shall be accompanied and validated by certifications of the appropriate instructor(s).

(d) Each application form shall also be accompanied by a written certification of justifiable need to carry a handgun, which shall be under oath and which:

1. In the case of a private citizen shall specify in detail the urgent necessity for self-protection, as evidenced by specific threats or previous attacks which demonstrate a special danger to the applicant's life that cannot be avoided by means other than by issuance of a permit to carry a handgun. Where possible the applicant shall corroborate the existence of any specific threats or previous attacks by reference to reports of such incidents to the appropriate law enforcement agencies; or
2. In the case of employees of private detective agencies, armored car companies and private security companies, that:
 - i. In the course of performing statutorily authorized duties, the applicant is subject to a substantial threat of serious bodily harm; and
 - ii. That carrying a handgun by the applicant is necessary to reduce the threat of unjustifiable serious bodily harm to any person.

(e) The completed application together with two sets of the applicant's fingerprints and fees as established by N.J.A.C. 13:59 in accordance with N.J.S.A. 53:1-20.5 et seq., four photographs (1½ x 1½ square), a consent for mental health

records search form designated S.P. 66, and a permit fee of \$20.00 payable to the County Clerk where the permit is to be issued shall be submitted to the chief police officer of the municipality in which the applicant resides, or the Superintendent:

1. If there is no chief police officer in the municipality where the applicant resides; or
2. If the applicant is a non-resident of this State or if the applicant is an employee of an armored car company.

Amended by R.2007 d.378, effective December 17, 2007.
See: 39 N.J.R. 2324(a), 39 N.J.R. 5349(a).

In the introductory paragraph of (b), substituted "shall" for "may"; in (b)2, inserted "and" at the end; deleted (b)3; recodified (b)4 as new (b)3; in (c), substituted "The" for "Where available, the" and deleted the second sentence; in the introductory paragraph of (d), substituted "justifiable need to carry a handgun," for "need"; and in the introductory paragraph of (e), deleted "(P.L. 1985, c.69)" following the N.J.S.A. reference, and substituted "SP 66" for "STS-1" and "chief police officer" for "chief of police".

Amended by R.2015 d.094, effective June 15, 2015.
See: 46 N.J.R. 2393(a), 47 N.J.R. 1328(a).

In (b)2, substituted "or" for "and" at the end; and in the introductory paragraph of (e), substituted "S.P." for "SP" and "chief police officer" for "full-time police department".

13:54-2.5 Approval of application

The chief of police or the Superintendent, as the case may be, shall cause the applicant to be thoroughly investigated. The investigation shall include, but not be limited to, ascertaining that the applicant satisfies all of the requirements contained in this chapter for obtaining a permit to purchase a handgun or a firearms purchaser identification card, that the applicant has or has not demonstrated a thorough familiarity with the safe handling and use of handguns as evidenced by the application and accompanying materials, and that the applicant has or has not factually demonstrated a justifiable need to carry a handgun. The chief of police or the Superintendent shall approve or disapprove the application after completion of the investigation. If the application is approved, by the chief of police or the Superintendent, as the case may be, it shall be forwarded to the Superior Court of the county where the applicant resides, or if a nonresident or an employee of an armored car company, to a county where he or she intends to carry the handgun, for presentation to a judge of the Superior Court.

Amended by R.2007 d.378, effective December 17, 2007.
See: 39 N.J.R. 2324(a), 39 N.J.R. 5349(a).

Inserted "by the chief of police or the Superintendent, as the case may be," and substituted "Superior Court of the county where the applicant resides, or if a nonresident or an employee of an armored car company, to a county where he or she intends to carry the handgun," for "county clerk".

13:54-2.6 Application of employees of armored car companies

Any application to carry a handgun by an employee of an armored car company shall be accompanied by a letter from the chief executive officer of the armored car company verifying employment of the applicant, endorsing approval of

the application and agreeing to notify the Superintendent within five days of the termination of an employee to whom any permit is issued, and agreeing to obtain from that employee the permit, which shall be immediately surrendered to the Superintendent.

13:54-2.7 Issuance of a permit to carry a handgun

(a) Upon being satisfied of the sufficiency of the application and the fulfillment of the provisions of P.L. 1979, c. 58, the judge shall issue a permit. The issuing Superior Court judge shall return the original permit to carry a handgun along with the application endorsed by the issuing Superior Court judge, to the jurisdiction of origin.

(b) The court may, at its discretion, issue a limited type permit which would restrict the applicant as to the types of handguns he or she may carry and where and for what purposes such handguns may be carried.

(c) The Superintendent shall be provided with copies of all permits to carry handguns issued or re-issued by the Superior Court.

Amended by R.2015 d.094, effective June 15, 2015.
See: 46 N.J.R. 2393(a), 47 N.J.R. 1328(a).

In (a), substituted "P.L. 1979, c. 58" for "Chapter 58, Laws of 1979", and inserted the second sentence.

13:54-2.8 Appeal

(a) Any person making application for a permit to carry a handgun who is denied approval by the chief police officer or the Superintendent may request a hearing in the Superior Court of the county in which he or she resides, or a county in which he or she intends to carry a handgun, in the case of a non resident or an employee of an armored car company. Such request shall be made in writing within 30 days of denial of the application. Copies of the request shall be served on the Superintendent, the county prosecutor and the chief police officer of the municipality where the applicant resides, if he or she is a resident of this State.

(b) If the application is denied by the judge of the Superior Court the appeal shall be made in accordance with law.

Amended by R.2007 d.378, effective December 17, 2007.
See: 39 N.J.R. 2324(a), 39 N.J.R. 5349(a).

In (a), substituted "chief police officer" for "chief of police" twice.

13:54-2.9 Duration and renewal

(a) All permits to carry a handgun shall expire two years from the date of issuance or, in the case of an employee of an armored car company, upon termination of his or her employment by the company occurring prior thereto, whichever is earlier in time.

(b) Permits must be renewed in the same manner and subject to the identical procedures by which the original permit was obtained. The chief police officer, the Superintendent and the Superior Court shall process a renewal for a permit to